

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Arrigo DeBenedetti : Paper No: 101611/0507550 #15
 Serial No. 09/916,017 : Group Art Unit: 1635
 Filed: July 26, 2001 : Examiner: J. Angell
 For: CANCER GENE THERAPY BASED ON TRANSLATIONAL CONTROL OF
 A SUICIDE GENE

AMENDMENT TRANSMITTAL

Box Non-Fee Amendment
 The Assistant Commissioner For Patents
 Washington, D.C. 20231

OFFICIAL

FAX RECEIVED

JUN 20 2003

GROUP 1600

Dear Sir:

Transmitted herewith is an amendment for the above-captioned application in response the communication dated June 3, 2003 received from the U.S. Patent and Trademark Office. A copy of that communication is enclosed for your reference.

Applicant is a

☒ Small Entity

☐ Large Entity

The proceedings herein are for a patent application and the provisions of 37 C.F.R.

§1.136 apply.

(complete (a) or (b), as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37

C.F.R. §1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	400.00	200.00
<input type="checkbox"/> three months	920.00	460.00
<input type="checkbox"/> four months	1,440.00	720.00

Fee: \$ _____

Serial No. 09/916,017

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

- (b) ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for petition for extension of time.

FEE FOR CLAIMS

	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	Rate Small Entity		Rate Large Entity	Add'l Fee
Total *		Minus **	=	X 9.00	\$	X 18.00	\$
Indep. *		Minus ***	=	X 42.00	\$	X 84.00	\$
				X 140.00	\$	+280.00	\$
<input type="checkbox"/> First Presentation of Multiple Dependant Claim				Total Addt'l. Fee	\$	Total Addt'l. Fee	\$

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 If the "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of the prior amendment or the number of claims originally filed.

(complete (c) or (d) as required)

- (c) ☒ No additional fee for claims is required.
 (d) ☐ Total additional fee for claims required \$_____

FEE PAYMENT

- ☐ Attached is a check in the sum of \$_____ covering the total additional fee for claims required.

Serial No. 09/916,017

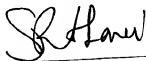
- ☐ Please charge Frost Brown Todd LLC Account No. 06-2226 for the total fee due.

A duplicate of this transmittal is attached.

The Assistant Commissioner for Patents is authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

ARRIGO DeBENEDETTI, *et al.*

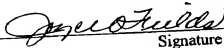
By 
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Registration No. 41,487
Attorney for Applicant(s)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Joyce O. Fields

(Type or print name of person signing certification)


Signature

6/19/03

Date

FAX Telephone No.: (703) 308-4242

Attn: J. Eric Angell

Art Unit No.: 1635

Serial No. 09/916,017

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: Washington, DC 20590
Telephone: (800) 786-9199
Internet: www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAME OF INVENTOR	ATTORNEY'S NAME	ATTORNEY'S ADDRESS
09-916,017	07-20-2001	Arango DeBenedetto	08-500 DeBenedetto	20109

30834 7590 06/03/2003
FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

EXAMINER
ANGELL, JON E

CLASS NO. PAPER NUMBER

DATE MAILED 06-03-2003

9-9 2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Resp Due

Date Rec'd: 7/3/2003
Next Action: 7/3/2003
Due Date: 7/3/2003
Docketed by: 7/3/2003
Case No: 7/3/2003



UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE FOR INTELLECTUAL PROPERTY AND
 DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, DC 20503
 www.uspto.gov

Paper No. 14

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 5/13/03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- 6/ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined
- ☐ 5. Other:

LIE: Check one of the following boxes

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

[Signed by Team Leader]

[Signature]
Team Leader

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/pat/dump/la/propguide.cfm#volrevpr>, and
<http://www.uspto.gov/web/offices/pat/dump/la/propguide.cfm#examamtsch>

March 26, 2003